

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NAVIGATOR CAPITAL PARTNERS, L.P.,
on behalf of itself and all others similarly situated,

Plaintiff,

- against -

BEAR STEARNS ASSET MANAGEMENT
INC., *et al.*,

Defendants.

FIC, L.P., individually, and on behalf of all others
similarly situated,

Plaintiff,

- against -

BEAR STEARNS ASSET MANAGEMENT
INC., *et al.*,

Defendants.

GEOFFREY VARGA and WILLIAM
CLEGHORN, *et al.*,

Plaintiffs,

- against -

THE BEAR STEARNS COMPANIES, INC.,
et al.,

Defendants.

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07-CV-07783 (AKH)

07-CV-11633 (AKH)

08-CV-03397 (AKH)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law,
defendant Raymond McGarrigal will move this Court, before the Honorable Alvin K.
Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on
January 7, 2009 at 10:00 a.m., for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), 23.1 and 9(b),

dismissing the claims asserted against him in the above-captioned actions and granting such other relief as the Court deems just and proper.

Dated: New York, New York
October 30, 2008

Respectfully submitted,

DRISCOLL & REDLICH

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